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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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MAY 5 1997

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 97-91
Table of Allotments) RM-8854
FM Broadcast Stations)
(Lewisville, Gainesville, Robinson,)
Corsicana, Jacksboro and)
Mineral Wells, Texas))

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**COMMENTS OF
HUNT BROADCASTING, INC.**

Hunt Broadcasting, Inc. ("Hunt"), permittee of Station KJKB(FM), Jacksboro, Texas, hereby files its comments in response to the Notice of Proposed Rule Making and Order to Show Cause ("NPRM"), 12 FCC Rcd 3059 (1997) insofar as it relates to the proposed substitution of Channel 237A for 299A at Jacksboro, Texas.

The NPRM, adopted March 5, 1997, does not acknowledge the fact that KJKB was constructed and operating pursuant to program test authority on October 16, 1996. See attached Exhibit 1. The license application was filed on October 25, 1996 (BLH-961025KG). See attached Exhibit 2. Thus, KJKB was fully constructed and operational prior to the adoption of the Commission's NPRM. Accordingly, KJKB is entitled to full reimbursement for the costs of the proposed channel change should the Commission's Report and Order require the change.

Section 1.401(d) of the Commission's Rules requires that "petitions for amendments of the FM Table of Assignments . . .

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shall be served by petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of the petition. The petition shall be accompanied by a certificate of service on such licensees or permittees." Here, however, the petition, as filed, does not reflect that Hunt was served. In fact, no certificate of service accompanies the petition. This defect was never corrected by Heftel Broadcasting Corp. ("Heftel") to Hunt's knowledge. Thus, Hunt was never put on official notice of the proposed channel change prior to construction of its facility. Furthermore, the Commission's NPRM does not mention the failure to serve, nor the fact that Hunt had constructed and filed its license application four and one-half months prior to the adoption of the NPRM.


In addition, Heftel's petition fails to state that it will reimburse Hunt for the costs of its channel change. Presumably, Heftel will correct this failure in its comments to the NPRM.

Accordingly, Hunt hereby states that it has no objection to the proposed change in its operating channel provided the Commission orders Heftel to reimburse Hunt for the reasonable costs of changing its channel.

Respectfully submitted,

HUNT BROADCASTING, INC.

By:


Mark N. Lipp
Ginsburg, Feldman & Bress
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 637-9000
Its Counsel

Dated: May 5, 1997

EXHIBIT 1

LAW OFFICES

MULLIN, RHYNE, EMMONS AND TOPEL
PROFESSIONAL CORPORATION

1225 CONNECTICUT AVENUE, N.W. - SUITE 300
WASHINGTON, D. C. 20036-2604

(202) 659-4700 TELECOPIER (202) 872-0604

RETURN COPY

October 16, 1996

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OCT 16 1996

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W.--Room 222
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

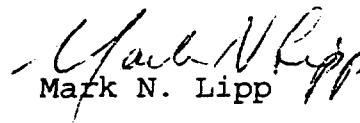
Re: Notification of Program Tests
Station KJKB(FM) (formerly KAIH(FM))
Jacksboro, Texas
File No.: BPH-900524MA

Dear Mr. Caton:

Hunt Broadcasting, Inc., permittee of the above-referenced station, by its counsel, hereby notifies the Commission that pursuant to the above-referenced construction permit, Station KJKB(FM) has commenced program tests. The initial license application will be filed within ten days.

If there are any questions concerning this matter, please contact the undersigned counsel for Hunt Broadcasting, Inc.

Sincerely,


Mark N. Lipp

MNL:va

cc: Mr. James R. Crutchfield--Audio Services Division

EXHIBIT 2

LAW OFFICES

MULLIN, RHYNE, EMMONS AND TOPEL

PROFESSIONAL CORPORATION

1225 CONNECTICUT AVENUE, N.W. - SUITE 300

WASHINGTON, D. C. 20036-2604

(202) 659-4700 TELECOPIER (202) 872-0604

RECEIVED OCT 26 1996

FEDERAL COMMUNICATIONS COMMISSION

October 24, 1996

VIA FEDERAL EXPRESS

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Mass Media Services
P.O. Box 358195
Pittsburgh, PA 15251-5195

Re: Application for Initial Station License
on FCC Form 302-FM
Radio Station KJKB(FM)
Jacksboro, Texas
Hunt Broadcasting, Inc.

Dear Mr. Caton:

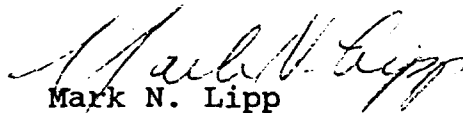
Enclosed for filing with the Commission are the original and two copies of a Form 302-FM application for license for Radio Station KJKB(FM), Jacksboro, Texas.

Also enclosed is a check payable to the Federal Communications Commission in the amount of \$140.00, representing the filing fee for this application.

As required by Section 73.3615(b) of the Commission's rules, a Form 323 ownership report for the permittee is being filed today under separate cover.

If there are any questions about this matter, please contact the undersigned.

Sincerely,



Mark N. Lipp

Counsel for Hunt Broadcasting, Inc.

MNL:js
Enclosures

FOR
FCC
USE
ONLY

FCC 302-FM

APPLICATION FOR FM BROADCAST STATION LICENSE

(Please read instructions before completing this form.)

FOR MASS MEDIA BUREAU USE ONLY

FILE NO.

Section I - GENERAL INFORMATION

1. APPLICANT NAME Hunt Broadcasting																						
MAILING ADDRESS (Line 1) (Maximum 35 characters) 1776 East Tufts Avenue																						
MAILING ADDRESS (Line 2) (Maximum 35 characters) 1776 East Tufts Avenue																						
CITY Englewood		STATE OR COUNTRY (if foreign address) Colorado	ZIP CODE 80110																			
TELEPHONE NUMBER (include area code) (303) 789-1118		CALL LETTERS KJKB	OTHER FCC IDENTIFIER (IF APPLICABLE)																			
FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION I																						
2. A. Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																						
B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable and go to Question 3. <input type="checkbox"/> Governmental Entity <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Other (Please explain):																						
C. If Yes, provide the following information:																						
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).																						
(1)	(A) <table border="1" style="width: 100%;"><tr><td colspan="3">FEE TYPE CODE</td></tr><tr><td>M</td><td>H</td><td>R</td></tr></table>	FEE TYPE CODE			M	H	R	(B) <table border="1" style="width: 100%;"><tr><td colspan="4">FEE MULTIPLE (if required)</td></tr><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	FEE MULTIPLE (if required)				0	0	0	1	(C) <table border="1" style="width: 100%;"><tr><td>FEE DUE FOR FEE TYPE CODE IN COLUMN (A)</td></tr><tr><td>\$ 140.00**</td></tr></table>	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	\$ 140.00**	<table border="1" style="width: 100%;"><tr><td>FOR FCC USE ONLY</td></tr><tr><td> </td></tr></table>	FOR FCC USE ONLY	
FEE TYPE CODE																						
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\$ 140.00**																						
FOR FCC USE ONLY																						
To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.																						
(2)	(A) <table border="1" style="width: 100%;"><tr><td> </td><td> </td><td> </td></tr></table>				(B) <table border="1" style="width: 100%;"><tr><td>0</td><td>0</td><td>0</td><td>1</td></tr></table>	0	0	0	1	(C) <table border="1" style="width: 100%;"><tr><td>\$</td></tr></table>	\$	<table border="1" style="width: 100%;"><tr><td>FOR FCC USE ONLY</td></tr><tr><td> </td></tr></table>	FOR FCC USE ONLY									
0	0	0	1																			
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FOR FCC USE ONLY																						
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (3), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.				<table border="1" style="width: 100%;"><tr><td>TOTAL AMOUNT REMITTED WITH THIS APPLICATION</td></tr><tr><td>\$ 140.00**</td></tr></table>	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	\$ 140.00**	<table border="1" style="width: 100%;"><tr><td>FOR FCC USE ONLY</td></tr><tr><td> </td></tr></table>	FOR FCC USE ONLY														
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\$ 140.00**																						
FOR FCC USE ONLY																						

Section I - GENERAL INFORMATION (Page 2)

3. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.

☐ Yes ☒ No

If the answer is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

Exhibit No.

4. For permittees of commercial FM stations only:

Has permittee filed its Ownership Report (FCC Form 323) or ownership certification in accordance with 47 C.F.R. Section 73.3615(b). See Instructions.

☒ Yes ☐ No
☐ Does Not Apply

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See 47 U.S.C. Section 304.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATIONS

5. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☒ Yes ☐ No

6. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Hunt Broadcasting	Signature <i>Marion A. Hunt</i>
Title President	Date 10-22-96

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's Rules. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).

SECTION II - TECHNICAL DATA

1. This license application is for a: (check all that apply)

- ☐ Request for program test authority.
 ☒ Station on automatic program test authority.
- ☒ Commercial station.
 ☐ Noncommercial station.
- ☐ Directional antenna.
 ☒ Non-directional antenna.
- ☐ License to cover construction permit for an auxiliary facility.
- ☐ License to utilize former licensed main facility as an auxiliary facility.

SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY.

2. Call Sign: KJKB 3. Frequency or channel: 101.7mHz/269 Class: A

4. Community of License:

City	<u>Jacksboro</u>	State	<u>TX</u>
------	------------------	-------	-----------

5. Select ONE that applies and enter the file number(s) on the appropriate line(s). This application:

- (a) ☒ covers a construction permit. Original file number: BPH900524MA
- as modified by: _____
- as extended by: _____
- as replaced by: _____

(b) ☐ modifies a license, file number: _____

6. Is this application being filed pursuant to MM Docket No. 88-375 (Class A Upgrade)?
See Instructions.

☐ Yes ☒ No

If Yes, attach the supplemental Exhibit to this application.

Exhibit No.

IF YOU SELECTED 5(b), "MODIFIES A LICENSE," PROCEED TO ITEM 8.

7. Expiration date of construction permit:

Month	Day	Year
-------	-----	------

THIS APPLICATION MUST BE ON FILE WITH THE COMMISSION BEFORE THE EXPIRATION DATE OF YOUR CONSTRUCTION PERMIT. SEE INSTRUCTIONS.

SECTION II - TECHNICAL DATA (Page 2)

8. Description of facilities authorized by the construction permit or license noted in item 5(a) or 5(b):

(a) Antenna coordinates: 33 ° 13 ' 44 " N. Lat. 98 ° 11 ' 22 " W. Lon.

	Horizontal	Vertical
(b) Effective radiated power:	<u>6.0</u> kW	<u>6.0</u> kW
(c) Beam tilt effective radiated power (if applicable):	<u>none</u> kW	<u>none</u> kW
(d) Radiation center above ground:	<u>61.56</u> meters	<u>61.56</u> meters
(e) Radiation center above mean sea level:	<u>402</u> meters	<u>402</u> meters
(f) Antenna height above average terrain:	<u>64</u> meters	<u>64</u> meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>98.44</u> meters	

9. Description of facilities as constructed:

(a) Antenna coordinates: 33 ° 13 ' 44 " N. Lat. 98 ° 11 ' 22 " W. Lon.

	Horizontal	Vertical
(b) Effective radiated power:	<u>6.0</u> kW	<u>6.0</u> kW
(c) Beam tilt effective radiated power (if applicable):	<u>none</u> kW	<u>none</u> kW
(d) Radiation center above ground:	<u>61.56</u> meters	<u>61.56</u> meters
(e) Radiation center above mean sea level:	<u>402</u> meters	<u>402</u> meters
(f) Antenna height above average terrain:	<u>64</u> meters	<u>64</u> meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>98.44</u> meters	

10. Are there any differences between the facilities described in Item 8 and those in Item 9?

☐ Yes ☒ No

IF YES, YOU MAY NOT BE ABLE TO USE THIS FORM. SEE INSTRUCTIONS.

Attach an Exhibit explaining in detail how these differences occurred.

Exhibit No.

11. SPECIAL OPERATING CONDITIONS. Attach an Exhibit that demonstrates compliance with the special operating conditions, terms, and obligations described in the construction permit. See Instructions.

Exhibit No.

☒ Does Not Apply

CONVERSION TO AND FROM METRIC:

METERS = 0.3048 X FEET

FEET = 3.281 X METERS

SECTION II - TECHNICAL DATA (Page 3)

10. Antenna description:

Make	Model Number	Number of Sections	Power Gain
Jampro	JMPC-3	3	1.50

If the antenna utilizes beam tilt, null fill, reduced spacing (less than one wavelength) between bays or the antenna is directional or specialized, an exhibit must be attached. SEE INSTRUCTIONS.

Exhibit No.

11. Transmission line system description:

(a) Transmission Line(s):

Make	Model Number	Length in Meters	Efficiency
Cablewave	HCC158-50J	73.152 meters	.9017 %
		meters	%

IF MORE SPACE IS NEEDED, PLEASE ATTACH EXHIBIT.

Exhibit No.

(b) Additional losses (Filters, Isocouplers, Multiplexers, etc.) in transmission line system:

Description	Loss in dB	Efficiency
	dB	%
	dB	%

IF MORE SPACE IS NEEDED, PLEASE ATTACH EXHIBIT.

Exhibit No.

(c) Total Efficiency of transmission line system: .9017 %

11. Transmitter power output (in kilowatts): 4.435 kW

SEE INSTRUCTIONS TO CALCULATE TPO.

15. Operating constants:

(a) D.C. plate current in last radio stage (amperes): 1.17 A

(b) Applied D.C. voltage in last radio stage (volts): 5215 V

(c) Efficiency of transmitter at operating power (percent): .724 %

(d) RF transmission line meter reading (percent): 100% %

SEE INSTRUCTIONS TO CHECK OPERATING CONSTANTS.

16. Is the main studio located within the city of license or the predicted 3.16 mV/m (70 dBu) field strength contour of the main facility?

☒ Yes ☐ No

If NO, attach an Exhibit pursuant to the Instructions.

Exhibit No.

17. Location of Main Studio: (P.O. BOXES ARE UNACCEPTABLE)

Street Address or Location Description 102 West Belknap		
City Jacksboro	County Jack	State TX

CONVERSION TO AND FROM METRIC:

METERS = 0.3048 X FEET

FEET = 3.281 X METERS

FCC 302-FM (Page 5)
February 1995

SECTION II - TECHNICAL DATA (Page 4)

1E. Location(s) of Remote Control Point(s):

(a)	Street Address or Location Description		
	102 West Belknap		
	City	County	State
	Jacksboro	Jack	TX
(b)	Street Address or Location Description		
	City	County	State

If there are additional remote control points, attach an Exhibit which describes their locations.

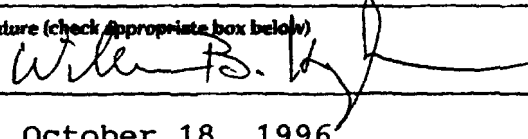
Exhibit No.

1F. Location of Antenna Site:

Street Address or Location Description		
1.93 km Northwest of Jack County Courthouse on State Hwy. 281		
City	County	State
Jacksboro	Jack	TX

20. CERTIFICATION OF PREPARER

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name (please print or type)	Signature (check appropriate box below)
William B. Hughes	
Address (include ZIP Code)	Date
5415 Old Bullard Rd. #212	October 18, 1996
Tyler, Texas 75703	Telephone No. (include Area Code)
	(903) 534-8537

<input type="checkbox"/> Technical Director	<input type="checkbox"/> Registered Professional Engineer
<input type="checkbox"/> Chief Operator	<input checked="" type="checkbox"/> Technical Consultant
<input type="checkbox"/> Other (specify)	

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT

Public reporting burden for this collection of information is estimated to average 4 hours per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Records Management Branch, AMD-IM, Paperwork Reduction Project (3060-0506), Washington, D. C. 20554.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1980,
P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

LAW OFFICES
MULLIN, RHYNE, EMMONS AND TOPEL
PROFESSIONAL CORPORATION
1225 CONNECTICUT AVENUE N.W. SUITE 300
WASHINGTON, D.C. 20036-2604

CITIZENS BANK OF WASHINGTON
WASHINGTON, D.C.

15-59/540

0029734

DATE	CHECK	AMOUNT
10/24/96	29734 ****	\$140.00

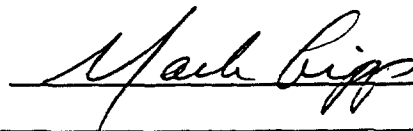
PAY

*** ONE HUNDRED FORTY & 00/100 DOLLARS

TO THE
OF

OF: FEDERAL COMMUNICATIONS COMMISSION

MULLIN, RHYNE, EMMONS AND TOPEL
PROFESSIONAL CORPORATION



⑈029734⑈ ⑆054000593⑆ ⑈217 826 5⑈

CERTIFICATE OF SERVICE

I, Cynthia D. Hamm, a secretary in the law firm of Ginsburg, Feldman & Bress, hereby certify that I have, this 5th day of May, 1997, caused to be delivered by U.S. mail, postage pre-paid or by hand, as indicated, the foregoing "Comments of Hunt Broadcasting, Inc." as follows:

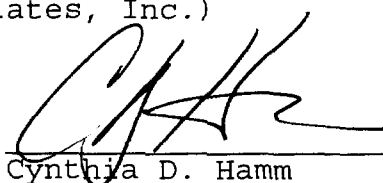
*Mr. John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

*Ms. Pamela Blumenthal
Allocations Branch
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

Lee W. Shubert, Esq.
Richard M. Rhiel, Esq.
Haley Bader & Botts P.L.C.
4350 North Fairfax Drive
Suite 900
Arlington, VA 22203-1633
(Counsel to Heftel Broadcasting Corp.)

Lawrence N. Cohn, Esq.
Cohn & Marks
1333 New Hampshire Avenue, N.W.
Suite 600
Washington, D.C. 20036
(Counsel to Heftel Broadcasting Corp.)

Robert W. Healy, Esq.
Smithwich & Belendiuk, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
(Counsel to Jerry Snyder
and Associates, Inc.)



Cynthia D. Hamm

*Via Hand Delivery